



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

B

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/833,530	04/12/2001	Masaru Terashima	14497	2484

23389 7590 10/19/2004

SCULLY SCOTT MURPHY & PRESSER, PC
400 GARDEN CITY PLAZA
GARDEN CITY, NY 11530

EXAMINER

POND, ROBERT M

ART UNIT PAPER NUMBER

3625

DATE MAILED: 10/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No. 09/833,530	Applicant(s) TERASHIMA, MASARU	
Examiner Robert M. Pond	Art Unit 3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 09 July 2004.
- 2a) This action is **FINAL**.
- 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-14 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-14 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____

DETAILED ACTION

Response to Amendment

The Applicant amended Claims 1-14. All pending claims (1-14) were examined in this final Office Action necessitated by amendment.

The Applicant amended the Specification to overcome objections to the Specification regarding references to Figure 2.

Claim for foreign priority was acknowledged in the previous Office Action (form PTO-326).

Response to Arguments

Applicant's arguments, see Remarks, filed 09 July 2004, with respect to the rejection(s) of claim(s) 1-14 under 35 USC 102(e) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Allsop and Official Notice necessitated by amendment.

Allsop teaches credibility information pertaining to the purchaser by implementing online credit authorization of the purchaser's credit information. Allsop teaches the authorizing manufacturer establishing authorization standards for dealers, authorizing a dealer based on these standards, and transmitting dealer validity information based on authorization standards to the purchaser. The goal is to minimize fraud and unethical activities in electronic commerce. The

Art Unit: 3625

only thing Allsop does not disclose are the standards used to authorize a dealer to address ethical business behavior. The Examiner firmly believes the Applicant's amendment and arguments based on the amendment justifies the taking of Official Notice. It is old and well-known in the arts that standards set by manufacturers include dealer financial status (e.g. credit rating) with financial institutions in order to ascertain a dealer's ability to conduct business on behalf of the manufacturer and to meet the payment terms of the manufacturer. It is obvious and prudent business practice to ascertain the financial status of a potential business partner (e.g. dealer, distributor, retailer) in order to at least evaluate the potential partner's ability to conduct business ethically from a financial perspective.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

- 1. Claims 1-14 are rejected under 35 USC 103(a) as being unpatentable over Allsop et al. (Paper #4, patent number 5,970,472 hereinafter referred to as "Allsop"), in view of Official Notice (regarding standards used by manufacturers to authorized dealers).**

Allsop teaches a method of dealer authorization information to a remote processing system (please see at least abstract; Fig. 3 (20-23); col. 1, line 15 through col. 2, line 18). Allsop further teaches:

- Transmitting identification information on a dealer from dealer server to purchaser terminal: dealer validation information passes from dealer to purchaser terminal (see at least Fig. 3 (20-23); Fig. 4 (401-402); col. 4, line 55 through col. 5, lines 63; col. 6, lines 9-28).
- Transmitting the identification information on the dealer from the purchaser terminal to an authorization server; retrieving credibility information on the dealer: (see at least Fig. 3 (20-23); Fig. 4 (403); col. 6, lines 9-28).
- Credibility information on the purchaser includes a dealing status of the purchaser with a credit firm: payment module handles the monetary aspects of the commerce solution, including acquisition of customer information, calculation of tax and shipping costs, encryption, on-line credit authorization (please note examiner's interpretation: authorizing use of credit provides purchaser status with credit firm) (see at least Fig. 7 (63); col. 8, lines 22-26).
- System connectivity and means: dealer server, purchaser terminal, and authentication server connected over the Internet using web interface with shopping basket; URL linking (see at least Fig. 1 (1-3); col. 3, line 40 through col. 4, line 52).

- Transmitting purchaser information to dealer; authentication server: name, address, credit card information; user identifier (see at least col. 1, lines 30-34; col. 8, lines 14-22; col. 9, line 25 through col. 10, line 15).
- Transmitting credibility information from the authentication server to purchaser terminal: server transmits dealer identity information to purchaser terminal (see at least Fig. 4 (404-405); col. 6, lines 9-28).
- Credibility information on the dealer includes a dealing status of the dealer with a financial institution

Also teaches all the above as noted under the 103(a) rejection and teaches a) concerns of manufacturers and purchasers regarding unethical behavior of dealers conducting electronic commerce, b) authorizing a dealer to represent the authorizing manufacturer as assurance to purchasers of the dealer's status with the manufacturer, c) transmitting an indication to the purchaser of the dealers status, and d) the authorizing manufacturer establishing authorization standards for a dealer (see at least col. 1, lines 57-64; col. 2, lines 32-39; col. 7, lines 43-44; col. 9, lines 3-4). Allsop, however, does not disclose credibility information including a dealing status with a financial institution. This examiner takes the position that it is old and well-known in the arts that standards set by manufacturers include a dealer's financial status (e.g. credit rating) with financial institutions in order to ascertain a dealer's ability to conduct ethical financial business on behalf of the manufacturer and to meet the

manufacturer's payment terms. Therefore it would have been obvious to one of ordinary skill in the art at time of the invention to modify the method of Allsop to disclose the credibility information representing a dealer's status with a financial institution as taught by Official Notice, in order to convey creditability of the dealer to the purchaser, and thereby attract purchasers to the service due to assurances provided by the service.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Mr. Robert M. Pond** whose telephone number is 703-605-4253. The examiner can normally be reached Monday-Friday, 8:30AM-5:30PM Eastern.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Ms. Wynn Coggins** can be reached on 703-308-1344.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Receptionist** whose telephone number is **703-308-1113**.

Any response to this action should be mailed to:

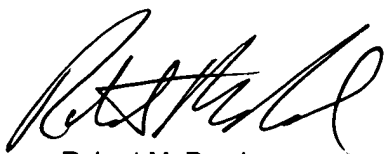
Commissioner of Patents and Trademarks

Washington D.C. 20231

or faxed to:

703-872-9306 (Official communications; including After Final communications labeled "Box AF")

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 7th floor receptionist.



Robert M. Pond
Patent Examiner
October 13, 2004